IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

<u>WRIT PETITION No.29340/1994</u>

BETWEEN :

Smt. Nasreena Begum,
Major, Secretary of
New Era Educational Society,
at: Kelagote village,
Chitradurga Town.   .. PETITIONER

        (By Sri. S.S. Koti, Adv.)

AND :

1. State of Karnataka,
   by its Secretary,
   Housing & Urban Development,
   Department, M.S. Building,
   Bangalore - 1.

2. The Director,
   Directorate of Civic Amenities,
   M.S. Building, Bangalore-1.

3. The Deputy Commissioner,
   Chairman, I.U.D.P.,
   Chitradurga.

4. The Commissioner,
   City Municipality,
   Chitradurga.

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5. The Director,
   Information & Broadcasting,
   Bangalore.   .. RESPONDENTS

            (By Sri. K. Nagaraja, HCGP,
                 for R1, R2 & R5,
                 Sri. S. Mahesh for R4)

                    ..   ..

        This Writ Petition is filed under
Articles 226 and 227 of the Constitution
of India with a prayer to quash the order
dt.4.7.94 vide Annexure-E bearing No.HUD.
151.GAAD.B'lore passed by R1.

        This petition coming on for hearing this
day, the Court made the following:-

                    O R D E R

        The petitioner in this Writ Petition

has challenged the Government Order according

approval to sell a site measuring 100' x 100'

to the Department of Information and Broad

Casting on the ground that the said area

is reserved for park in Chitradurga Town.

        2. It is not disputed that the area

proposed to be sold in favour of the

Department of Information and Broad Casting

is reserved for park. The establishment

of a 'varthabhavana' by the Department of

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of Information and Broad Casting is also
appears to be for the benefit of the
public to be located in the park. What
has been challenged in this Writ Petition
is only a Government order according
approval under Section 72 of the Karnataka
Municipalities Act. Persuant to the
said Government Order if the Municipality
were to sell the said land in favour of
the Department of Information and Broad
Casting, the Municipality may take steps
to get the change of land use if required
before selling the same.

3. With this observation, this Writ
Petition is disposed of.

Sd/-
JUDGE

G/-

CS/-